

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-5 and 8-10 are presently active in this case, Claim 1 having been amended, Claims 2, 6, and 7 having been canceled without prejudice or disclaimer and Claims 8-10 having been added by way of the present Amendment.

Care has been taken such that no new matter has been entered by the amendments set forth herein. Support for new Claim 8 can be found, for example, in paragraphs [0028] and [0032], and support for Claims 9 and 10 can be found, for example, in paragraphs [0036] and [0037].

The outstanding Official Action states that “should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.” The portion of this statement that suggests that an interference has or will be declared in this case is in error, since no such interference has been declared. However, in accordance with this request, the Applicant has submitted herewith a certified English translation of the foreign priority document for the Examiner’s review.

Claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (U.S. Patent No. 6,267,142) in view of Wong (U.S. Patent No. 6,247,903) and Cadeo et al. (U.S. Patent No. 4,964,732). For the reasons discussed below, the Applicant traverses the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness has not been established in the present case because the references, either taken singularly or in combination, fail to teach or suggest all of the claim limitations.

Claim 1 of the present application recites an apparatus for preparing and supplying a slurry to a chemical mechanical polishing machine. The apparatus comprises, among other features, feed pumps arranged on feed lines for liquid components, dampers and pressurization valves arranged in combinations on the respective feed lines on delivery sides of the feed pumps, flowmeters for measuring delivery rates from the corresponding feed pumps, a programmable logic controller for controlling delivery rates of the individual feed pumps by using measurement values from the flowmeters, and at least one isolator arranged between one of the draw ports and its corresponding feed pump, where the at least one isolator has an atmospheric vent. The Applicant respectfully submits that none of the cited references teaches an isolator, as recited in Claim 1.

Regarding the first cited reference, the Wong et al. reference describes fluid delivery stabilization for wafer preparation systems. The Official Action does not specifically indicate which feature in the Wong et al. reference is being cited for the teaching of the isolator recited in the present application. The Official Action refers to pneumatic valves (304, 308, 310) for the teaching of "isolation valves," however these valves clearly do not anticipate the isolator recited in the claims. The Wong et al. reference does not appear to disclose any type of isolator arranged between one of the draw ports and its corresponding feed pump, where

the at least one isolator has an atmospheric vent, as expressly recited in amended Claim 1.

Regarding the second cited reference, the Wong reference describes a pressure booster and a pressure fluctuation dampening system. The Wong reference fails to supplement the deficiency noted above in the teaching of the Wong et al. reference. More specifically, the Wong reference does not appear to disclose any type of isolator arranged between one of the draw ports and its corresponding feed pump, where the at least one isolator has an atmospheric vent, as expressly recited in amended Claim 1.

Regarding the third cited reference, the Cadeo et al. reference describes a method of continuously producing a flowable mixture. The Cadeo et al. reference fails to supplement the deficiency noted above in the teachings of the Wong et al. reference and the Wong reference. More specifically, the Cadeo et al. reference does not appear to disclose any type of isolator arranged between one of the draw ports and its corresponding feed pump, where the at least one isolator has an atmospheric vent, as expressly recited in amended Claim 1.

Accordingly, the Applicant respectfully requests the withdrawal of the obviousness rejection of Claim 1.

Claims 3-5 and 8-10 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 1.

Claims 1-5 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-8 of U.S. Patent No. 6,767,124 in view of Wong et al. and Cucci et al. (U.S. Patent No. 5,672,832). The Applicant requests the withdrawal of the double patenting rejections for the reasons discussed below.

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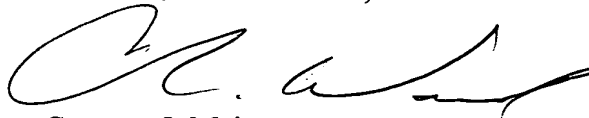
As mentioned above, Claim 1 of the present application recites an apparatus comprising, among other features, at least one isolator arranged between one of the draw ports and its corresponding feed pump, where the at least one isolator has an atmospheric vent. The Applicant notes that Claims 1-8 of U.S. Patent No. 6,767,124 do not recite an isolator. Furthermore, as discussed above, the Wong et al. reference does not disclose any type of isolator arranged between one of the draw ports and its corresponding feed pump, where the at least one isolator has an atmospheric vent. Additionally, the Cucci et al. reference does not disclose any type of isolator arranged between one of the draw ports and its corresponding feed pump, where the at least one isolator has an atmospheric vent.

Accordingly, the Applicant respectfully requests the withdrawal of the double patenting rejection of Claims 1-5.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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